

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

LICHT, William Robert et al

Serial No. : 10/715,757

Filed: November 18, 2003

IN-SITU GASIFICATION OF SOOT
CONTAINED IN EXOTHERMICALLY
GENERATED SYNGAS STREAM

Docket No. 35050

Customer No.: 23,589

Group Art Unit No.: 1754

Confirmation No.: 5267

Examiner: VANOY, TIMOTHY C.

Commissioner of Patents
P.O. Box 1450
Alexandra, VA 22313-1450

RESPONSE TO NON-COMPLIANT AMENDMENT NOTICE

In response to the Non-Compliant Amendment Notice March 24, 2006, reconsideration of the above-referenced application is requested.

Remarks begin on page 2 of this paper.

Remarks:

This response does not include any amendments to the claims; Accordingly, the listing of claims presented in the previous amendment and response remain the claims pending for this application.

In the Amendment and Response to Restriction Requirement, filed January 12, 2006, applicant provisionally elected to proceed with group II which represents claims 10-18 drawn to an apparatus and traversed the restriction requirement with respect to group I which represents claims 1-9, and thereby also elected group I representing claims drawn to a process. Applicant respectfully requested, however, that all claims be reconsidered together as they all relate to a system of soot removal from syngas produced from the partial oxidation of hydrocarbon-containing fuel, wherein the improvement is the use of a non-carbonaceous material that results in more efficient soot removal and consequently a more efficient heat exchange system. Applicant also added new claims 19-27, which are drawn to an apparatus specific to practicing the claimed process recited in claim 1, and new claims 28-36, which are drawn to a method of removal of entrained soot from syngas, according to the specification. All of the claims were identified with a correct status identifier of either "Original," "Currently Amended," or "New."

According to 37 C.F.R. 1.143, an applicant can request consideration of the restriction requirement if the applicant provisionally elects one of the inventions for prosecution in the event the restriction requirement is maintained. If the applicant makes such a provisional election and requests that the restriction requirement be reconsidered, "[t]he requirement for restriction will be reconsidered on such a request." 37 C.F.R. 1.143. Only if the restriction requirement is repeated and made final will the examiner "act on the claims to the invention elected." Id. The Examiner has failed to address Applicant's request to reconsider the claims as a single inventive concept, and

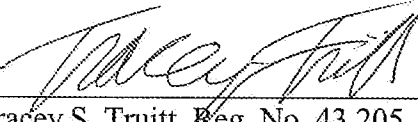
therefore cannot act on the claims of the provisionally elected invention. It is therefore improper to require the Applicant to identify those claims drawn to the provisionally unelected invention as withdrawn. Applicant therefore contends that the previously submitted Amendment and Response was in compliance with applicable regulations and respectfully requests reconsideration of the same.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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(Docket No. 35050)